

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the
District of New Mexico

NOV 17 2015

MATTHEW J. DYKMAN
CLERKIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

#29 Skyview Street, Crownpoint, New Mexico

Case No. MR 15-701

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached hereto and incorporated herein.

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See attachment B, attached hereto and incorporated herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
USC 18 Section 1111(a)	Murder
USC 18 Section 1153(a)	Offenses Committed within Indian Country

The application is based on these facts:
See attached affidavit, attached hereto and incorporated herein.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Grant D. Nixon

Printed name and title

Sworn to before me and signed in my presence.

Date:

11/17/15

City and state:

Albuquerque NM

Judge's signature

WILLIAM P. LYNCH
U.S. MAGISTRATE JUDGE

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Grant D. Nixon, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises located at #29 Skyview Street, Crownpoint, NM, further described in Attachment A, for the items described in Attachment B.

2. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been employed in this capacity for approximately six months. I am currently assigned to the Albuquerque Division of the FBI, White Collar Crime Squad, where I investigate federal financial crimes.

3. I make this affidavit based on information provided to me by another FBI Agent. The information in this affidavit is for the limited purpose of establishing probable cause for the requested Search and Seizure Warrant and does not include every detail of the investigation.

4. The following information was developed from an investigation conducted by the Gallup Resident Agency of the FBI regarding the suspected homicide of John Doe, a 24 year-old male and enrolled member of the Navajo Nation, by Ira Charles, date of birth, 1980, social security number -4173, a 35 year-old male and enrolled member of the Navajo Nation. This homicide occurred on or about the night of November 4, 2015, within the exterior boundaries of the Navajo Reservation located in Crownpoint, New Mexico.

5. Based on my training and experience and the facts as set forth in this affidavit, I submit probable cause exists that violations of USC 18 Section 1111(a), Murder and USC 18 Section 1153(a) Offenses Committed within Indian Country were committed by Ira Charles, date of birth, 1980, social security number -4173. I submit probable cause also exists to search #29 Skyview Street, Crownpoint, NM, further described in Attachment A, for the items described in Attachment B.

6. On November 5, 2015, an FBI agent responded to the Indian Health Service (IHS) hospital in Crownpoint, New Mexico, where the deceased body of John Doe was in the emergency department.

7. According to the emergency room physician that attended to John Doe, he sustained a single stab wound to the left chest area that damaged his aorta resulting in his death.

8. On November 5, 2015, the agent interviewed M.M., a friend of John Doe, who lives at #20 Peach Valley Loop, Crownpoint, NM. She advised that John Doe was at her residence with some other friends on the evening on November 4, 2015. John Doe learned earlier that day that his girlfriend,

C.B., was having a baby boy and he was drinking to celebrate. He left at some point, but returned around 11:00 P.M. and was bleeding from his chest area. He walked in the house from the back door, asked for help, and then collapsed. M.M. called 911 and an ambulance arrived and took John Doe away.

9. On November 5, 2015 and November 10, 2015, the agent interviewed C.B., who lives at #27 Sundown Street, Crownpoint, NM, located approximately 0.4 miles north of M.M.'s residence. C.B. and John Doe were together most of the day on November 4, 2015. He left her residence for the last time that day around 10:45 P.M. John Doe was intoxicated and did not say where he was going, but C.B. thought he was going to M.M.'s residence. Shortly after John Doe left C.B.'s residence, she followed him to M.M.'s residence where C.B. observed an ambulance in the driveway and John Doe on the floor of the residence bleeding.

10. On November 5, 2015, Crownpoint, NM resident E.C. called the Crownpoint Police Department and asked if anyone had been stabbed in Crownpoint on the night of 11/04/2015. When she was told that someone had been stabbed, she advised that it might have been her husband, Ira Charles who committed the stabbing.

11. E.C. and Ira Charles live at address #29 Skyview Street, Crownpoint, NM. This residence is approximately 0.2 miles north of C.B.'s residence and 0.5 miles north of M.M.'s residence.

12. On November 12, 2015, the agent interviewed E.C. She stated that around 7:00 P.M. on November 4, 2015, Ira Charles left their residence and walked to his father's house, who lives approximately one mile to the south of their residence. Ira Charles returned to their residence later that night and was running and out of breath. He seemed scared and kept looking out of the back door. He was talking to himself and saying, "What did I do?" and "I stabbed someone."

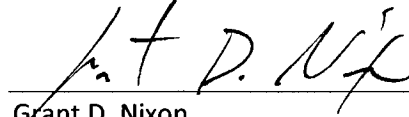
13. E.C. also advised that Ira Charles always carries a black folding knife in his left front pocket, even when he is at work.

14. I submit probable cause exists that violations of USC 18 Section 1111(a), Murder and USC 18 Section 1153(a) Offenses Committed within Indian Country were committed by of Ira Charles, date of birth, , 1980, social security number 4173 and that evidence related to those violations is located at #29 Skyview Street, Crownpoint, NM.

15. I respectfully request a search warrant be issued to search #29 Skyview Street, Crownpoint, NM, further described in Attachment A, for the items described in Attachment B.

16. I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. D. Nixon", written over a horizontal line.

Grant D. Nixon
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on November 17, 2015

A handwritten signature in black ink, appearing to read "William P. Ryan", written over a horizontal line.
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

Residence of Ira Charles, #29 Skyview Street, Crownpoint, New Mexico. The residence is a single-family, one-story residence that is beige/sandstone in color (see attached pictures).

Google Maps Crownpoint, NM 87313



Imagery ©2015 Google, Map data ©2015 Google 50 ft

Google Maps Sundown St



Image capture: Jan 2008 © 2015 Google

Crownpoint, New Mexico

Street View - Jan 2008

ATTACHMENT B

Items to be Seized

1. Any and all edged or bladed weapons
2. Body fluids (blood, saliva, perspiration, etc.)
3. Any and all clothing items that may retain evidence of body fluids